MAIL STOP APPEAL BRIEF-PATENTS
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IN THE U.S. PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Peter Wilhelmus Henricus RIETJENS Appeal No. _____

Application No. 10/750,906 Group 3721

Filed January 5, 2004 Examiner Sameh Tawfik

DEVICE FOR MANUFACTURING RECLOSABLE PACKAGINGS

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5. Summary of Claimed Subject Matter

The invention relates to a device for making bag-shaped packaging from a web of sheet material and is referred to as a form-fill-seal machine.

Independent claim 1

The invention defined in independent claim 1 and with respect to Figure 1 is a form-fill-seal machine (1) for making bag-shaped packagings (50) for products from a web of foil material (F).

The machine (1) has a frame (2) having a stock (3) of web of foil material and a supply of the web of foil material in flat condition (see page 13, lines 9-11).

A form-fill unit (10) is positioned at a front side of the machine (1) as disclosed on page 13, lines 22-23. The form-fill unit has a form shoulder (13) for transforming the flat web

of foil material (F) into a foil tube and a form-fill tube (14) connecting to the form shoulder (13). The tube (14) has a vertical main plane of section.

Transverse sealing jaws (71a, 71b) are positioned below a lower end of the form-fill tube (14) for forming transverse seals (64) as seen in Figure 3A and as disclosed on page 21, lines 10-13. The transverse sealing jaws (71a, 71b) are movable toward and away from each other in a vertical plane of section as disclosed on page 13, lines 30-32. The form shoulder (13) is asymmetrically shaped for forming an overlap (53) in the foil tube which extends to at least a short distance from or near the vertical main plane of section as seen in Figure 2A and as disclosed on page 14, line 29 to page 15, line 13.

A first longitudinal sealing means (20) is positioned at a first lateral side, at one lateral side of the form-fill tube (14) as seen from the front of the machine, at a short distance from or near the vertical main plane of section (see Figures 1A-1E and page 15, line 23 to page 16, line9 and page 22, lines 12-13). The first longitudinal sealing means are for forming a severable longitudinal seal (56) at the location of the overlap (53). See Figures 3A, 3C and page 21, lines 20-25.

Independent claim 19

Claim 19 differs from claim 1 in that the recited "overlap in the foil tube" extends from the front side to a first lateral side as seen in Figures 2B and 3B. Claim 19 further

deviates from claim 1 by omitting the recited phrase "at a short distance from or near said vertical main plane of section" as it applies to the first longitudinal sealing means. Compare the last five lines of claim 1 with the last four lines of claim 19.

The device defined in claims 1 and 19 differs from the prior art device disclosed on page 1, line 14 to page 2, line 3 and page 2, lines 19-28, at least in one respect, based on the position of the longitudinal sealing means.

Specifically, the longitudinal sealing device of the conventional form-fill-seal machine is at the front of the form fill tube, whereas the recited longitudinal sealing means is at one lateral side of the form fill tube.

The recited configuration allows the claimed device to overcome the shortcomings of the prior art by using an asymmetrical form shoulder to cause an overlap of the web to extend to one side of the forming tube (the left-hand side as seen in Figure 2B). Having an overlap that extends to one side enables the longitudinal sealing means, to be located at one lateral side of the fill tube (as considered from the front) to enable ready removal of the form fill unit without having to first remove the longitudinal sealing device.